THE HON'BLE SRI JUSTICE K.C. BHANU

On Monday, the twenty second day of August

Two thousand and Five.

W.P.No.26860 of 1999

Smt. K.Jayalakshmi, w/o D.Venkateswara Rao,

aged about 37 years, Senior Assistant, Office of the Project Coordinator, A.P.Housing Board, Hyderabad.

……Petitioner

And

Government of A.P., represented by its Principal

Secretary, M.A.& Housing Department,

Secretariat, Hyderabad and others.

…Respondents.

O R D E R:

This writ petition is filed to declare the proceedings issued by the 2nd respondent in No.11302/B5/88, dated 22.6.1995 as arbitrary and illegal.

Before adverting to the question as to whether the impugned proceedings issued by the 2nd respondent suffers from any legal infirmity requiring any interference as such by this Court, in exercise of its writ jurisdiction, it may be necessary, briefly, to note the relevant facts leading to the filing of this writ Petition. The petitioner was appointed as Junior Assistant on regular basis on 22.5.1980 under sports quota and as she had secured number of medals and qualifications, her name was included in the panel of promotion as Sl.No.8 in the year 1984. She had passed the Departmental Accounts Test on 27.11.1983. The Departmental Promotion Committee constituted by the respondents-Board met in November 1985 and all the eligible candidates in the feeder cadre were

considered for the post of Senior Assistant, but it did not consider the case of the petitioner. It is also the case of the petitioner that the 2nd respondent had filled up the post of Senior Assistants as per the recommendations of the D.P.C held in November 1986 in which the petitioner's name can be seen in the proceedings No.14632/B1/86, dated 9.10.1986. Mr.T.Anandam and 4 others were filed R.P.No.4609/98 on the file of the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal) and the Tribunal directed the Board to consider the grievance of the petitioners therein. As the stand taken by the Government that the Tribunal had got no jurisdiction to entertain any petition against the Housing Board, the petitioner had withdrawn the O.A.No.2621/96. It is the further case of the petitioner that the respondents-Board had been issuing a provisional revised seniority list, from time to time, in respect of the cadre of Senior Assistant. Hence the petitioner filed the present writ petition for redressal of her grievance.

Inter alia, the respondents-1 and 2 (Board) filed counter affidavits contending that the Order of the Tribunal had become final and the promotions to be considered basing on the seniority but not from the date of passing of departmental tests and the petitioner is not entitled to claim her right of promotion from the date of her passing Accounts Test on 27.11.1983. Further, the petitioner was appointed as Junior Assistant on 21.5.1980, her services were regularized with effect from 22.5.1980 and had been declared as approved probationer with effect from 7.9.1982. The Departmental Promotion Committee constituted by the Board had been considering the eligible candidates for promotion from time to time according to the Rules. Basing on the award of the Tribunal in R.P.No.4609 of 1988 the Board issued revised Orders on 26.7.1994 and accordingly, the petitioner is not entitled to get seniority as prayed by her.

Heard the learned counsel for the petitioner and the respondents.

The learned counsel for the respondents specifically contends that the order of the Tribunal in R.P.No.26.07.1994 had become final, wherein the Tribunal directed the respondents to review the promotion orders dated 9.10.1986 and

21.10.1986 and can strictly in accordance with the directions given by the Tribunal, the promotions have been given. Therefore, the petitioner cannot have any grievance.

The case of the petitioner is that she was promoted by virtue of recommendations of Departmental Promotion Committee (DPC) in the year 1986 and thereupon the R.P.4609 of 1988 was filed by one T.Anandam to review the promotions made on 9.10.1986 and accordingly the impugned order was passed and the order of the Administrative Tribunal had become final. The grievance of the petitioner is that the proceedings dated 22.6.1995 revising the seniority in the matter of Senior Assistants is without any notice and opportunity to her. Admittedly, the petitioner was a party in R.P.No.4609 of 1988. Strictly, in accordance with the directions given by the Tribunal, the impugned proceedings have been passed. The impugned proceedings are not shown contrary to the directions given by the Tribunal. Since the direction of the Tribunal has become final, the revised seniority list dated 22.6.1995, cannot be said to be illegal and arbitrary. There is no allegation in the affidavit that the impugned proceedings was prepared contrary to the directions issued.

The Writ Petition is devoid of merit and accordingly is dismissed. No order as to costs.

JUSTICE K.C. BHANU

22nd August 2005

BCS